

**REMARKS**

This reply is fully responsive to the Office action dated 24 JULY 2007, and is filed within six - (6) months following the mailing date of the Office action. The Commissioner is authorized to treat this response as including a petition to extend the 5 time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed. The method of payment and fees for petition fee due in connection therewith are enclosed.

**Disclosure/Claims Status Summary:**

10       Claims 1 to 108 are pending in the application.

Claim 7 has been canceled without prejudice to applicant's rights or creation of an estoppel in preventing Applicant from arguing allowability of the canceled claim in the future, including in further off-spring applications.

15       Claim 18 has been canceled without prejudice to applicant's rights or creation of an estoppel in preventing Applicant from arguing allowability of the canceled claim in the future, including in further off-spring applications.

20       Claim 54 has been canceled without prejudice to applicant's rights or creation of an estoppel in preventing Applicant from arguing allowability of the canceled claim in the future, including in further off-spring applications.

25       Claim 67 has been canceled without prejudice to applicant's rights or creation of an estoppel in preventing Applicant from arguing allowability of the canceled claim in the future, including in further off-spring applications.

Claim 107 has been canceled without prejudice to applicant's rights or creation of an estoppel in preventing Applicant from arguing allowability of the canceled claim in the future, including in further off-spring applications.

5        Claim 108 has been canceled without prejudice to applicant's rights or creation of an estoppel in preventing Applicant from arguing allowability of the canceled claim in the future, including in further off-spring applications.

10      Claims 1 - 104 and 108 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

15      Claims 1-5, 7-8, 9, 16, 20-22, 37, 48-52, 54, 56-58, 65, 69-71, 88, and 100-108 are rejected under 35 U.S.C. §102(b) as being anticipated by Stuppy (WO 98/13807).

15      Claims 6 and 53 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stuppy (WO 98/1380) in view of US Patent 6,139,330 to Ho et al. ("Ho").

20      Claim 55 is rejected under 35 U.S.C. §103(a) as being unpatentable over Stuppy (WO 98/1380) in view of GOOGLE ([www.google.com](http://www.google.com)).

25      Claims 10-14, 17, 41, 53, 55, 59-63, and 66 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stuppy (WO 98/1380) in view of US Patent 6,139,330 to Ho et al. ("Ho").

25      Claims 15 and 64 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stuppy (WO 98/1380) in view of US Patent 6,139,330 to Ho et al. ("Ho"), and in further view of US Patent 6,112,049 to Sonnenfeld.

Claims 18-19, 34-35, 36, 67-68, and 85-87 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stuppy (WO 98/1380) in view of US Patent 6,112,049 to Sonnenfeld.

5       Claims 23-26 and 72-75 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stuppy (WO 98/1380) in view of “Study On Student Cheating Finds Profs Make a Difference”; Science Daily; ,<http://www.sciencedaily.com/releases/1998/07/980708085624.htm>>.

10      Claims 27, 29, 31, 76-78, 80, and 82 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stuppy (WO 98/1380) in view of US Patent 5,907,831 to Lotvine.

15      Claims 30, 32-33, 81, and 83-84 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stuppy (WO 98/1380) in view of US Patent 5,907,831 to Lotvine, and in further view of US Patent 5,822,744 to Kesel.

20      Claims 38-40, and 89-92 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stuppy (WO 98/1380) in view of US Patent 5,727,950 to Cook et al. (Cook).

25      Claims 41-43 and 93-95 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stuppy (WO 98/1380) in view of US Patent 6,139,330 to Ho et al. (“Ho”), US Patent 6,112,049 to Sonnenfeld, US Patent 5,907,831 to Lotvine, US Patent 5,907,831 to Lotvine in further view of US Patent 5,822,744 to Kesel, and “Study On Student Cheating Finds Profs Make a Difference”; Science Daily; ,<http://www.sciencedaily.com/releases/1998/07/980708085624.htm>>.

Claims 44-47, and 69-99 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stuppy (WO 98/1380) in view of US Patent 6,139,330 to Ho et al. (“Ho”), US Patent 6,112,049 to Sonnenfeld, US Patent 5,907,831 to Lotvine, US Patent 5,907,831 to Lotvine in further view of US Patent 5,822,744 to Kesel, and “Study On

5 Student Cheating Finds Profs Make a Difference”; Science Daily; ,<http://www.sciencedaily.com/releases/1998/07/980708085624.htm>>, and US Patent 5,727,950 to Cook et al. (Cook).

Applicant thanks the Office for a thorough examination of the claimed invention.

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**Rejection of Claims under 35 U.S.C. §112, second paragraph:**

Claims 1 - 104 and 108 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The Office action states, “Independent claims 1, 41, 48, 93, 100, and 108 all include language similar to ‘designating material for studying to provide designated material’. Examiner cannot determine the meaning of this statement with certainty. For the purposes of this OA, the language will be interpreted as ‘designating material for 20 studying’.”

Applicant has amended claims 1, 41, 48, 93, 100, and 108 to remove language deemed indefinite by the Office under 35 U.S.C. §112, second paragraph.

25 Hence, it is respectfully submitted that claims 1, 41, 48, 93, 100, and 108 are no longer indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Accordingly, it is respectfully requested that the rejection of claims 1, 41, 48, 93, 100, and 108 under 35 U.S.C. §112, second paragraph, as being indefinite be withdrawn.

**Rejection of Claims under 35 U.S.C. §102(b):**

5       Claims 1-5, 7-8, 9, 16, 20-22, 37, 48-52, 54, 56-58, 65, 69-71, 88, and 100-108 are rejected under 35 U.S.C. §102(b) as being anticipated by Stuppy (WO 98/13807).

**Claim 1:**

The newly amended claim 1 recites, *inter alia*:

10      “*A method for studying materials using machine implemented feedback techniques, the steps comprising:*

*a person designating material for studying within a computer system; the person processing said designated material within the computer system to create a set of queries, including:*

15      *the person selecting an item from the designated material within the computer system for learning; and*

*the computer system selecting a question from the set of queries for querying said person regarding said item, with said person queried regarding said item by posing said question;*

20      *the computer system gauging said person’s response to said queries according to said person’s evaluation of an answer to said queries; and*

*the computer system re-querying said person according to said response, with said person repeatedly queried regarding materials said person has weaker understanding in preference to materials said person has stronger understanding.”*

25      In view of the newly amended claim 1, Applicant respectfully traverses the rejection and the interpretation of the Stuppy reference. It is well settled that an anticipatory reference must teach every one of the limitations of the claim(s) alleged to be

anticipated thereby. In order to establish a *prima facie* case of anticipation, the Office Action must set forth an argument that provides a single reference that teaches or enables each of the claimed elements (as arranged in the claim) either expressly or inherently and as interpreted by one of ordinary skill in the art. All of these factors must be present, or a 5 case of anticipation is not met. Thus, anticipation requires that every element of the claims appear in a single reference. It is respectfully submitted that Stuppy lacks, and does not disclose, teach, or suggest (implied or otherwise) the claimed limitations of claim 1, and therefore, cannot and does not anticipate, nor render as obvious the limitations of this claim.

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The Office action has recited most of the language of claim 1 in verbatim, with parenthetical or bracketed insertion of various sections (elements, columns, lines, figures, and etc) from the Stuppy reference, purporting to disclose and anticipate the claimed limitations.

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Applicant respectfully submits that Stuppy lacks, and does not disclose, teach or suggest (expressly or implied) the claimed limitations of the newly amended claim 1. Stuppy discloses a computer based system for the assessment, management and instruction of students and for the delivery of the work pages and other instructional 20 materials in the form of electronic student workbooks. (Page 7, lines 20+ of Stuppy.) The computer based system of Stuppy assesses, manages, and only delivers the work pages and other instructional materials in the form of electronic student workbook to the student. The actual study or learning of the already delivered material is up to the student. There is nothing in Stuppy that is disclosed to aid in the actual study or learning 25 of the material that has already been delivered to the student. Stated otherwise, Stuppy merely assesses student aptitude, and electronically delivers classroom instructions commensurate with that student's skill level. How that student studies or learns the delivered material is up to the student. Accordingly, the system disclosed by Stuppy is not related to the actual act of studying or a learning method, nor does it facilitate a 30 means for the actual study or learning of material; it is nothing more than a computer-

based management of a student in a “classroom” setting, with management including assessing skill level and providing appropriate instruction material commensurate with the skill level of the student.

5        On the other hand, the presently claimed invention recites “*A method for studying materials using machine implemented feedback techniques.*” That is, after the person does receive the instructional material (from Stuppy system or any other system, books, articles, or verbal instructions, etc.), it is the claimed present invention that can be used by the person to study and learn the supplied material. In other words, the present  
10      invention provides the next step in the educational process of the person, which is the actual study and learning of the delivered material.

The newly amended claim 1 further recites, *inter alia*:

“*a person designating material for studying within a computer system;*”

15       The presently claimed invention recites that it is “*a person*,” and not limited to a teacher, computer, director of education or any other party or entity that designates “*material for studying within a computer system*.” In other words, for example, after instructional material are delivered to the person (via Stuppy, books, articles, or any other party or entity), it is the person that designates material for studying to learn. For example, the designated material could be chapter from a book, a single page of an article, or any other. On the other hand, with Stuppy, it is the computer based system that assesses, manages, and then delivers work pages and other instructional material (generated by the computer and/or the teacher/Education Director - ED) to the student.  
20      With Stuppy, only the teacher or other authority figures has input as to which material to designate for studying to learn within the computer system. In fact, the Stuppy reference is not at all related to the function of study to learn, but management and delivery of material to student.  
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The newly amended claim 1 further recites:

*“the person processing said designated material within the computer system to create a set of queries, including:”*

5 As stated above, the presently claimed invention recites that it is “*the person*,” and not just a teacher, computer, or director of education or any specific party or entity that processes the designated material within the computer system to provide a query. This is critical because the query provided by the person is for study and the actual learning of the material, and that the actual process of providing or writing a question 10 based on the designated study material facilitates learning. Stuppy provides instructional material that may or may not include questions therein, but if questions are included, it is never provided by “*the person*” that is learning, but another entity (teacher, director of education, computer, etc.) that provides them, and not the actual learner.

15 The newly amended claim 1 further recites:

*“the person selecting an item from the designated material within the computer system for learning; and*  
*the computer system selecting a question from the set of queries for querying said person regarding said item, with said person queried regarding said item by posing said question;”*

Again, as is claimed, it is the person learning that selects “*an item from the designated material within the computer system for learning*,” and not any other entity. There is no such capability with Stuppy. The claim further recites that the computer 25 system selects “*a question for querying said student regarding said item*.” Again, Stuppy lacks, and does not disclose, teach, or suggest (implied or otherwise) providing a question for querying a student regarding an item for learning, with the item selected by the student.

The newly amended claim 1 further recites, *inter alia*:

*“the computer system gauging said person’s response to said query according to said person’s evaluation of an answer to said queries.”*

5        Stuppy lacks, and does not disclose, teach or suggest (expressly or implied) the claimed limitations of *“the computer system gauging said person’s response to said query.”* (Emphasis added.) Stuppy provides an initial test to determine the student level of mastery for a specified skill or learning objective to identify skill gap data. The questions in Stuppy were not processed by the person who is learning. Please note the 10 antecedence of the term “query” within the context of the claim:

*“the person processing said designated material within the computer system to create a set of queries, including:*

*the person selecting an item from the designated material within the computer system for learning; and*

15        *the computer system selecting a question from the set of queries for querying said person regarding said item, with said person queried regarding said item by posing said question;*

*the computer system gauging said person’s response to said queries.”*

20        The computer system gauging said person’s response to said queries is based on the queries that was provided by the person, the item selected for learning by the person, and queries posed by the computer to the person, which is completely lacked by Stuppy.

25        Further, as the claimed limitation recites, *“the computer system gauging said person’s response... according to said person’s evaluation of an answer to said queries”* Stuppy does not gauge a user’s response according to the person’s evaluation of an answer to the question. This limitation is completely lacked in Stuppy.

The newly amended claim 1 further recites, *inter alia*,

*“the computer system re-querying said person according to said response , with said person repeatedly queried regarding materials said person has weaker understanding in preference to materials said person has stronger understanding.”*

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Stuppy lacks, and does not disclose, teach or suggest (expressly or implied) the claimed limitations of *“the computer system re-querying said person according to said response.”* Stuppy provide a test for mere determination of skill gap, which results are used to determine student aptitude, and electronically delivers classroom instructions commensurate with that student’s skill level. There is no need for re-querying a student according to student response, nor is it taught or disclosed in Stuppy. The claim further requires that *“person repeatedly queried regarding materials said person has weaker understanding in preference to materials said person has stronger understanding.”* The claimed limitation is for learning and not for determination of providing appropriate classroom instruction. Stuppy tests to determine student aptitude to determine student skill level to provide the appropriate grade level or class instructions for the student with respect to a subject matter. For example, if a fifth grade student is weak in math based on the skill gap determined by Stuppy system, the student is placed and provided instructional material for a fourth grade skill level math class. Accordingly, there is no need for re-querying a student according to student response.

Accordingly, for all the above-mentioned reasons, Applicants respectfully request the withdrawal of the rejection of claim 1 under 35 U.S.C. §102(b) because the patent of Stuppy neither anticipates, clearly anticipates, nor renders as obvious the recited claim limitations.

Therefore, Applicants respectfully submit that claim 1 is allowable over the cited reference and solicit reconsideration and allowance of these claims.

In addition, since claims 2 to 6 and 8 to 17, and 19 to 40 depend from the claim 1 and incorporate all of its limitations, they are patentable for the same reasons given with respect to claim 1 and include additional limitations which further distinguish them from the reference cited. Therefore, Applicants respectfully submit that claims 2 to 6 and 8 to 5 17, and 19 to 40 are also allowable over the cited reference and solicit reconsideration and allowance of these claims.

**Claim 48:**

The newly amended claim 48 recites:

10        "*A method for studying materials using machine-implemented feedback techniques, the steps comprising:*

*a user designating material for studying within the computer system;*

*the user processing said designated material within the computer system to enable a learning or sharing purpose;*

15        *the computer system presenting the user with said processed designated material in a template query;*

*selecting an item for learning present in said designated material and determining an important portion of said item;*

*the computer system selecting a question for querying said user regarding said item, with said user queried regarding said item by posing said question in the template query;*

20        *the computer system gauging said user's response to said template query according to said user's evaluation of an answer to said template query; and*

*the computer system re-presenting said processed designated material to said user according to said response, with said user repeatedly presented with template query regarding materials said user desires better familiarity in 25 preference to other materials."*

The limitations of claim 48 are somewhat substantially commensurate with the limitations of claim 1, with the added limitations, *inter alia*, “*the user processing said designated material within the computer system to enable a learning or sharing purpose, and the computer system presenting the user with said processed designated material in a template query.*” The same arguments above as applied to claim 1 can also be applied to claim 48. However, the additional limitations of “*the user processing said designated material within the computer system to enable a learning or sharing purpose, and the computer system presenting the user with said processed designated material in a template query*” further distinguishes the claim 48 from the reference cited. Accordingly, 10 in view of the above remarks in regards to the claim 1, Applicant respectfully submits that claim 48 is allowable over the reference cited and solicits reconsideration and allowance of this claim. Therefore, for the sake of brevity, clarity, convenience, and to avoid duplication, Applicant will not repeat the arguments made above for claim 1 herein for claim 48.

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In addition, since claims 49 to 53 and 55 to 66, and 68 to 92 depend from the claim 48 and incorporate all of its limitations, they are patentable for the same reasons given with respect to claim 48 and include additional limitations, which further distinguish them from the reference cited. Therefore, Applicants respectfully submit that 20 claims 49 to 53 and 55 to 66, and 68 to 92 are also allowable over the cited reference and solicit reconsideration and allowance of these claims.

**Claim 100:**

The newly amended claim 100 recites:

25 “A method of designating parts of material to be processed and stored for user defined research, writing, speaking, and/or presentation purposes, the steps comprising:

the user designating material to be processed and stored within a computer system by the user;

the user processing said designated material to enable a learning or sharing purpose for one or more users;

the user selecting an item from the designated and processed material for learning or sharing;

5           the computer system presenting the user with said item from said processed materials to provide an exhibition of said item from said processed materials to said user;

the computer system gauging said user's response to said exhibition according to said student's evaluation of an answer to said exhibition; and

10           the computer system re-exhibiting said processed materials to said user according to said response, with said user repeatedly exposed to exhibitions regarding materials with which said user desires greater familiarity and understanding in preference to materials with which said user does not desire greater familiarity and understanding."

15           The limitations of claim 100 are somewhat substantially commensurate with the limitations of claim 1, with the added limitations, *inter alia*, "*the user processing said designated material to enable a learning or sharing purpose for one or more users, the user selecting an item from the designated and processed material for learning or sharing; the computer system presenting the user with said item from said processed materials to provide an exhibition of said item from said processed materials to said user*;" The same arguments above as applied to claim 1 can also be applied to claim 100. However, the additional limitations of "*the user processing said designated material within the computer system to enable a learning or sharing purpose, and the computer system presenting the user with said processed designated material in a template query*" further distinguishes the claim 100 from the reference cited. Accordingly, in view of the above remarks in regards to the claim 1, Applicant respectfully submits that claim 100 is allowable over the reference cited and solicits reconsideration and allowance of this claim. Therefore, for the sake of brevity, clarity, convenience, and to avoid duplication, 30           Applicant will not repeat the arguments made above for claim 1 herein for claim 100.

In addition, since claims 102 to 104 depend from the claim 100 and incorporate all of its limitations, they are patentable for the same reasons given with respect to claim 100 and include additional limitations, which further distinguish them from the reference 5 cited. Therefore, Applicants respectfully submit that claims 102 to 104 are also allowable over the cited reference and solicit reconsideration and allowance of these claims.

**Claim 105:**

10 The newly amended claim 105 recites:

*“A method for assisting a user in developing a strategy for learning new information, the steps comprising:*

*providing designated material by the user for learning within a computer system;*

15 *the computer system providing a plurality of learning templates by which new information may be learned;*

*the user assigning one of said learning templates to said designated material;*

20 *the user selecting an item from the designated material for learning or sharing;*

*the computer system presenting the user with said item using the assigned template, with said assigned template enabling said user to learn new information contained in said designated material.”*

25 The limitations of claim 105 are somewhat substantially commensurate with the limitations of claim 1, with the added limitations, *inter alia*, “*the user processing said designated material to enable a learning or sharing purpose for one or more users, the user selecting an item from the designated and processed material for learning or sharing; the computer system presenting the user with said item from said processed materials to provide an exhibition of said item from said processed materials to said*

*user;*" The same arguments above as applied to claim 1 can also be applied to claim 105.

However, the additional limitations of "*the user processing said designated material within the computer system to enable a learning or sharing purpose, and the computer system presenting the user with said processed designated material in a template query*"

5 further distinguishes the claim 105 from the reference cited. Accordingly, in view of the above remarks in regards to the claim 1, Applicant respectfully submits that claim 105 is allowable over the reference cited and solicits reconsideration and allowance of this claim. Therefore, for the sake of brevity, clarity, convenience, and to avoid duplication, Applicant will not repeat the arguments made above for claim 1 herein for claim 105.

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In addition, since claim 106 depends from the claim 105 and incorporate all of its limitations, it is patentable for the same reasons given with respect to claim 105 and include additional limitations, which further distinguish them from the reference cited. Therefore, Applicant respectfully submits that claim 106 is also allowable over the cited

15 reference and solicits reconsideration and allowance of this claim.

**Rejection of Calims under 35 U.S.C. §103:**

Claims 6 and 53 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stuppy (WO 98/1380) in view of US Patent 6,139,330 to Ho et al. ("Ho").

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Applicant respectfully traverses the rejection, the interpretation, and the modification of the references. As stated in MPEP 706.02(j), to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on

applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Therefore, in view of the below remarks, it is respectfully submitted that a *prima facie* case of obviousness has not been established by the Office action as the prior art references (individually or combined) lack, and do not disclose, teach, or suggest (implied or otherwise) all of the claimed limitation.

5       Claim 6 depends from the newly amended claim 1, and claim 53 depends from the newly amended claim 48, both of which incorporate the limitations of the claims from which they depend, and include additional limitations, which further distinguish them  
10      from the reference cited. The primary reference, Stuppy, is discussed in detail with respect to claim 1, which lacks, and does not disclose, teach, or suggest (implied or otherwise) the limitations of claim 1. Further, as remarked above, the limitations of claim 48 are somewhat substantially commensurate with the limitations of claim 1, with the added limitations, *inter alia*, "*the user processing said designated material within the computer system to enable a learning or sharing purpose, and the computer system presenting the user with said processed designated material in a template query.*" The same arguments above as applied to claim 1 can also be applied to claim 48. Accordingly, in view of the newly amended claims 1 and 48 overcoming the primary reference Stuppy, it is respectfully submitted that claims 6 and 53, which respectively  
15      depend from claims 1 and 48, are also allowable over the cited references. Applicant respectfully solicits reconsideration and allowance of these claims.

20       Claim 55 is rejected under 35 U.S.C. §103(a) as being unpatentable over Stuppy (WO 98/1380) in view of GOOGLE ([www.google.com](http://www.google.com)).

25       Applicant respectfully traverses the rejection, the interpretation, and the modification of the references. Claim 55 depends from the newly amended claim 48, and incorporates the limitations of the claim 48, and includes additional limitations, which further distinguish it from the reference cited. The primary reference, Stuppy, is

discussed in detail with respect to claim 1, which lacks, and does not disclose, teach, or suggest (implied or otherwise) the limitations of claim 1. Further, as remarked above, the limitations of claim 48 are somewhat substantially commensurate with the limitations of claim 1, with the added limitations, *inter alia*, “*the user processing said designated material within the computer system to enable a learning or sharing purpose, and the computer system presenting the user with said processed designated material in a template query.*” The same remarks above as applied to claim 1 can also be applied to claim 48. Accordingly, in view of the newly amended claims 1 and 48 overcoming the primary reference Stuppy, it is respectfully submitted that claim 55, which depends from claim 48, is also allowable over the cited references. Applicant respectfully solicits reconsideration and allowance of this claim.

Claims 10-14, 17, 41, 53, 55, 59-63, and 66 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stuppy (WO 98/1380) in view of US Patent 6,139,330 to Ho et al. (“Ho”).

**Claim 41:**

The independent claim 41 recites:

“A method for studying educational materials using machine-implemented feedback techniques, the steps comprising:

*a person designating material for studying within a computer system; said designated material selected from the group consisting of digital text, student input, scanned materials, fact-based materials, fiction based materials, handwritten information including class notes, pure equations, expressed thought processes, jokes and stories, visually-based information, audio-based information, audio-visual-based information, and pre-processed coursework material; said digital text selected from the group consisting of contents of a web site, a digital book, and an electronic text file or other electronic information file;*

*said scanned text further comprising printed or handwritten text scanned by a handheld scanner;*

*the person processing said designated material within the computer system to create a set of queries, including:*

5 *determining an item for learning present in said designated material by said person and determining a question by the computer system for querying the person regarding said item so that said person may be queried regarding said item by posing said question,*

10 *said step of determining a question for querying said person selected from the group consisting of determining a drop-out question, determining a true-false question, determining a step-by-step multiple answer question, determining a general knowledge question, determining a multiple answer question, determining a joke or story question, determining a summary or association question and determining an equation question;*

15 *said step of determining a question for querying said person further comprising indicating a portion of said designated material to be used as said question and indicating a portion of said designated material to be used as said answer;*

20 *indicating a summary question after determining approximately 4 - 8 questions;*

*rating said designated material according to a possibility of being tested on said designated material, said person conducting said rating;*

25 *designating backup information, said backup information complementing said designated material, said backup information providing greater background for queries delivered to said person;*

*querying said person with said query and according to information supplied by said person, said information selected from the group consisting of class and/or coursework information, coursework information, subject*

information, project information, prioritization of questions according to a likelihood of material to be tested, and evaluation of prior query performance; providing a machine-generated hint when the person asks for a hint; gauging said person's response to said query including determining a type of learner said person is by analyzing said person's interaction with said query and including gauging said person's response according to said person's self-evaluation of an answer to said query, said person's self-evaluation of said answer selected from the group consisting of incorrect, correct and easy, correct and difficult;

5 10 re-querying said person according to said response and according to said type of learner said person is and according to said person's self-evaluation of a prior answer to said query;

15 20 providing entertainment based upon criteria selected from the group consisting of a profile associated with said person and a response evaluation arising from a prior entertainment;

rating of said entertainment by said person;

providing advertisement in association with said entertainment;

rating said advertisement by said person, said rating of said advertisement selected from steps in the group consisting of rating said advertisement, said person indicating appeal of said advertisement, and rating a product or service advertised by said advertisement, said [[student]] person indicating appeal of said advertised product or service;

25 30 selectively sharing said query with a second person, said query subject to limitations restricting those with whom said query may be shared, said sharing of said query selected from steps in the group consisting of sharing said query over a computer network and sharing said query by posting said query to a database of queries accessible by a computer network; whereby

35 said person is repeatedly queried regarding materials said person has weaker understanding in preference to materials said person has stronger

*understanding and allowing said person to learn study materials faster and more efficiently.”*

Applicant respectfully traverses the rejection, the interpretation, and the  
5 modification of the references. It is respectfully submitted that at the very minimum, Stuppy, Ho, and Stuppy in view of Ho, lack, and do not disclose, teach, or suggest (implied or otherwise) the limitations “*the person processing said designated material within the computer system to provide a query, including: determining an item for learning present in said designated material by said student and determining a question by the computer system for querying the person regarding said item so that said person may be queried regarding said item by posing said question.*” These limitations are similar to those found in the newly amended claims 1 and 48. The same remarks above as applied to claims 1 and 48 can also be applied to claim 41. Accordingly, it is respectfully submitted that claim 41 is also allowable over the cited references, and  
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15 Applicant respectfully solicits reconsideration and allowance of this claim because claim 41 claims much more than just a summary question, all of which are lacked in Stuppy and Ho.

It is further respectfully submitted that Stuppy, Ho, and Stuppy in view of Ho, lack, and do not disclose, teach, or suggest (implied or otherwise) the very limitations that are found in the newly amended claims 1 and 48 from which claims 10-14, 17, 53, 55, 59-63, and 66 depend, which have been remarked in detail with respect to the primary reference Stuppy, and further, which are also included in the independent claim 41, and lacked in Ho.

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Claims 15 and 64 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stuppy (WO 98/1380) in view of US Patent 6,139,330 to Ho et al. (“Ho”), and in further view of US Patent 6,112,049 to Sonnenfeld.

Applicant respectfully traverses the rejection, the interpretation, and the modification of the references. Claim 15 depends from the newly amended claim 1, and claim 64 depends from the newly amended claim 48, both of which incorporate the limitations of the claims from which they depend, and include additional limitations,

5 which further distinguish them from the reference cited. The primary reference, Stuppy, is discussed in detail with respect to claim 1, which lacks, and does not disclose, teach, or suggest (implied or otherwise) the limitations of claim 1. Further, as remarked above, the limitations of claim 48 are somewhat substantially commensurate with the limitations of claim 1, with the added limitations, *inter alia*, “*the user processing said designated material within the computer system to enable a learning or sharing purpose, and the computer system presenting the user with said processed designated material in a template query.*” The same arguments above as applied to claim 1 can also be applied to claim 48. Accordingly, in view of the newly amended claims 1 and 48 overcoming the primary reference Stuppy, it is respectfully submitted that claims 15 and 64, which

10 respectively depend from claims 1 and 48, are also allowable over the cited references and solicit reconsideration and allowance of these claims.

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Claims 18-19, 34-35, 36, 67-68, and 85-87 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stuppy (WO 98/1380) in view of US Patent 6,112,049 to

20 Sonnenfeld.

Claims 18 and 67 have been canceled.

Applicant respectfully traverses the rejection, the interpretation, and the modification of the references. In particular, it should be noted that the references cited lack, and do not disclose, teach or suggest (implied or otherwise) the claimed limitations of the computer system gauging said student's response to said query according to said student's evaluation of an answer to said query. There is no student evaluation of an answer to any questions taught by any of the cited references. With the prior art

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references, students take an exam with a set of questions, and according to how well student respond to specific questions, those questions are then evaluated based on some difficulty level by the computer or test giver and not the student. There is no actual evaluation of a question by the student or the test taker.

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Nonetheless, claims 19, 34 - 36 depends from the newly amended claim 1, and claims 68, and 85-87 depend from the newly amended claim 48, all of which incorporate the limitations of the claims from which they depend, and include additional limitations, which further distinguish them from the reference cited. The primary reference, Stuppy, 10 is discussed in detail with respect to claim 1, which lacks, and does not disclose, teach, or suggest (implied or otherwise) the limitations of claim 1. Further, as remarked above, the limitations of claim 48 are somewhat substantially commensurate with the limitations of claim 1, with the added limitations, *inter alia*, “*the user processing said designated material within the computer system to enable a learning or sharing purpose, and the computer system presenting the user with said processed designated material in a template query.*” The same arguments above as applied to claim 1 can also be applied to claim 48. Accordingly, in view of the newly amended claims 1 and 48 overcoming the primary reference Stuppy, it is respectfully submitted that claims 19, 34 – 36 and 68, and 15 85-87, which respectively depend from claims 1 and 48, are also allowable over the cited 20 references, and Applicant respectfully solicits reconsideration and allowance of these claims.

Claims 23-26 and 72-75 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stuppy (WO 98/1380) in view of “Study On Student Cheating Finds 25 Profs Make a Difference”; Science Daily;  
<http://www.sciencedaily.com/releases/1998/07/980708085624.htm>>.

Applicant respectfully traverses the rejection, the interpretation, and the modification of the references. There is nothing in the Science Daily article that teaches

or suggests that, which the Office action asserts that the article recites, which is “students providing advanced knowledge of information that is likely to be on test is not uncommon.” Applicant has read the article twice and cannot find such a teaching. Please advise.

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Nonetheless, claims 23 to 26 depend from the newly amended claim 1, and claims 72 – 75 depend from the newly amended claim 48, all of which incorporate the limitations of the claims from which they depend, and include additional limitations, which further distinguish them from the reference cited. The primary reference, Stuppy, 10 is discussed in detail with respect to claim 1, which lacks, and does not disclose, teach, or suggest (implied or otherwise) the limitations of claim 1. Further, as remarked above, the limitations of claim 48 are somewhat substantially commensurate with the limitations of claim 1, with the added limitations, *inter alia*, “*the user processing said designated material within the computer system to enable a learning or sharing purpose, and the computer system presenting the user with said processed designated material in a template query.*” The same arguments above as applied to claim 1 can also be applied to claim 48. Accordingly, in view of the newly amended claims 1 and 48 overcoming the primary reference Stuppy, it is respectfully submitted that claims 23 to 26 and 72 – 75, 15 which respectively depend from claims 1 and 48, are also allowable over the cited references. Applicant respectfully solicits reconsideration and allowance of these claims. 20

Claims 27, 29, 31, 76-78, 80, and 82 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stuppy (WO 98/1380) in view of US Patent 5,907,831 to Lotvine.

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Applicant respectfully traverses the rejection, the interpretation, and the modification of the references. Claim 27, 29, and 31 depend from the newly amended claim 1, and claims 76-78, 80, and 82 depend from the newly amended claim 48, both of which incorporate the limitations of the claims from which they depend, and include

additional limitations, which further distinguish them from the reference cited. The primary reference, Stuppy, is discussed in detail with respect to claim 1, which lacks, and does not disclose, teach, or suggest (implied or otherwise) the limitations of claim 1.

Further, as remarked above, the limitations of claim 48 are somewhat substantially

5 commensurate with the limitations of claim 1, with the added limitations, *inter alia*, “*the user processing said designated material within the computer system to enable a learning or sharing purpose, and the computer system presenting the user with said processed designated material in a template query.*” The same arguments above as applied to claim 1 can also be applied to claim 48. Accordingly, in view of the newly amended claims 1  
10 and 48 overcoming the primary reference Stuppy, it is respectfully submitted that claims 27, 29, and 31 and 76-78, 80, and 82, which respectively depend from claims 1 and 48, are also allowable over the cited references. Applicant solicits reconsideration and allowance of these claims.

15 Claims 30, 32-33, 81, and 83-84 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stuppy (WO 98/1380) in view of US Patent 5,907,831 to Lotvine, and in further view of US Patent 5,822,744 to Kesel.

Applicant respectfully traverses the rejection, the interpretation, and the  
20 modification of the references. Claim 30, 32-33 depend from the newly amended claim 1, and claims 81, and 83-84 depend from the newly amended claim 48, both of which incorporate the limitations of the claims from which they depend, and include additional limitations, which further distinguish them from the reference cited. The primary reference, Stuppy, is discussed in detail with respect to claim 1, which lacks, and does not  
25 disclose, teach, or suggest (implied or otherwise) the limitations of claim 1. Further, as remarked above, the limitations of claim 48 are somewhat substantially commensurate with the limitations of claim 1, with the added limitations, *inter alia*, “*the user processing said designated material within the computer system to enable a learning or sharing purpose, and the computer system presenting the user with said processed designated*

*material in a template query.*" The same arguments above as applied to claim 1 can also be applied to claim 48. Accordingly, in view of the newly amended claims 1 and 48 overcoming the primary reference Stuppy, it is respectfully submitted that claims 30, 32-33 and 81, and 83-84, which respectively depend from claims 1 and 48, are also

5 allowable over the cited references. Applicant respectfully solicits reconsideration and allowance of these claims.

Claims 38-40, and 89-92 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stuppy (WO 98/1380) in view of US Patent 5,727,950 to Cook et al.

10 (Cook).

Applicant respectfully traverses the rejection, the interpretation, and the modification of the references. Claim 38-40 depend from the newly amended claim 1, and claims 89-92 depend from the newly amended claim 48, both of which incorporate

15 the limitations of the claims from which they depend, and include additional limitations, which further distinguish them from the reference cited. The primary reference, Stuppy, is discussed in detail with respect to claim 1, which lacks, and does not disclose, teach, or suggest (implied or otherwise) the limitations of claim 1. Further, as remarked above, the limitations of claim 48 are somewhat substantially commensurate with the limitations of

20 claim 1, with the added limitations, *inter alia*, "*the user processing said designated material within the computer system to enable a learning or sharing purpose, and the computer system presenting the user with said processed designated material in a template query.*" The same arguments above as applied to claim 1 can also be applied to claim 48. Accordingly, in view of the newly amended claims 1 and 48 overcoming the

25 primary reference Stuppy, it is respectfully submitted that claims 38-40, and 89-92, which respectively depend from claims 1 and 48, are also allowable over the cited references. Applicant respectfully solicits reconsideration and allowance of these claims.

Claims 41-43 and 93-95 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stuppy (WO 98/1380) in view of US Patent 6,139,330 to Ho et al. (“Ho”), US Patent 6,112,049 to Sonnenfeld, US Patent 5,907,831 to Lotvine, US Patent 5,907,831 to Lotvine in further view of US Patent 5,822,744 to Kesel, and “Study On

5 Student Cheating Finds Profs Make a Difference”; Science

Daily; ,<http://www.sciencedaily.com/releases/1998/07/980708085624.htm>>.

**Claim 41:**

It is respectfully submitted that at the very minimum, Stuppy, Ho, Sonnenfeld, 10 Lotvine, Kesel, and and “Study On Student Cheating Finds Profs Make a Difference,” and any combinations thereof lack, and do not disclose, teach, or suggest (implied or otherwise) the limitations of claim 41 “*the person processing said designated material within the computer system to provide a query, including: determining an item for learning present in said designated material by said person and determining a question by the computer system for querying the person regarding said item so that said student may be queried regarding said item by posing said question.*” These limitations are 15 similar to those found in the newly amended claims 1 and 48. The same remarks above as applied to claims 1 and 48 can also be applied to claim 41. Accordingly, it is respectfully submitted that claim 41 is also allowable over all the cited references, and 20 Applicant respectfully solicits reconsideration and allowance of this claim.

It is further respectfully submitted that Stuppy, Ho, Sonnenfeld, Lotvine, Kesel, and and “Study On Student Cheating Finds Profs Make a Difference,” and any combinations thereof lack, and do not disclose, teach, or suggest (implied or otherwise) 25 the very limitations that are found in the newly amended claims 1 and 48 from which claims 42 to 43 depend, which have been remarked in detail with respect to the primary reference Stuppy, and further, which are also included in the independent claim 41, and lacked in the remaining cited references.

**Claim 93:**

It is respectfully submitted that at the very minimum, Stuppy, Ho, Sonnenfeld, Lotvine, Kesel, and and “Study On Student Cheating Finds Profs Make a Difference,” and any combinations thereof lack, and do not disclose, teach, or suggest (implied or otherwise) the limitations of claim 93 “*the user processing said designated material within the computer system to enable a learning or sharing purpose, including determining an item for learning present in said designated material and the computer system determining an exhibition for presenting to a user regarding said item so that said user may be made familiar with said item by presenting said exhibition.*” These

10 limitations are similar to those found in the newly amended claims 1 and 48. The same remarks above as applied to claims 1 and 48 can also be applied to claim 93. Accordingly, it is respectfully submitted that claim 93 is also allowable over all the cited references, and Applicant respectfully solicits reconsideration and allowance of this claim.

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It is further respectfully submitted that Stuppy, Ho, Sonnenfeld, Lotvine, Kesel, and and “Study On Student Cheating Finds Profs Make a Difference,” and any combinations thereof lack, and do not disclose, teach, or suggest (implied or otherwise) the very limitations that are found in the newly amended claims 1 and 48 from which 20 claims 94 to 99 depend, which have been remarked in detail with respect to the primary reference Stuppy, and further, which are also included in the independent claim 93, and lacked in the remaining cited references.

Claims 44-47, and 69-99 are rejected under 35 U.S.C. §103(a) as being 25 unpatentable over Stuppy (WO 98/1380) in view of US Patent 6,139,330 to Ho et al. (“Ho”), US Patent 6,112,049 to Sonnenfeld, US Patent 5,907,831 to Lotvine, US Patent 5,907,831 to Lotvine in further view of US Patent 5,822,744 to Kesel, and “Study On Student Cheating Finds Profs Make a Difference”; Science

Daily; ,<http://www.sciencedaily.com/releases/1998/07/980708085624.htm>, and US Patent 5,727,950 to Cook et al. (Cook).

Applicant respectfully traverses the rejection, the interpretation, and the

5 modification of the references. Claim 44 to 47 depend from the newly amended claim 41, claims 66 to 92 depend from the newly amended claim 48, and claims 94 to 99 depend from the newly amended claim 93, all of which incorporate the limitations of the claims from which they depend, and include additional limitations, which further distinguish them from the reference cited. The primary reference, Stuppy, is discussed in

10 detail with respect to claim 1, which lacks, and does not disclose, teach, or suggest (implied or otherwise) the limitations of claim 1. Further, as remarked above, the limitations of claim 41, 48, and 93 are somewhat substantially commensurate with the limitations of claim 1, with further the added limitations. The same arguments above as applied to claim 1 can also be applied to claim 41, 48, and 93. Accordingly, in view of

15 the newly amended claims 1, 41, 48, and 93 overcoming the primary reference Stuppy, it is respectfully submitted that claims 44 to 47, 66 to 92, and 94 to 99 which respectively depend from claims 41, 48, and 93 are also allowable over the cited references, and Applicant respectfully solicits reconsideration and allowance of these claims.

20 **Prior art Made of Record and Not Relied upon:**

Applicant has fully reviewed the prior art made of record and not relied upon, and believes that the prior art neither anticipates nor renders as obvious any of the Applicant's claims.

**CONCLUSION**

The Applicant respectfully submits that in light of the above amendment/remarks, all claims are now in allowable condition. The Applicant thus respectfully requests timely allowance of all of the pending claims.

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Any claim amendments that are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments.

Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those on the art to clearly understand the scope of the claim language. Furthermore, any new claims presented above are of course intended to avoid the prior art, but are not intended as replacements or substitutes of any cancelled claims. They are simply additional specific statements of inventive concepts described in the application as originally filed.

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Further, it should be noted that amendment(s) to any claim is intended to comply with the requirements of the Office Action so to elicit an early allowance, and is not intended to prejudice Applicant's rights or in any way to create an estoppel preventing Applicant from arguing allowability of the originally filed claim in further off-spring applications. Amendments may include cancellations of claims and/or the addition of new claims.

In the event the Examiner wishes to discuss any aspect of this response, or believes that a conversation with either Applicant or Applicant's representative would be beneficial the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to the attached credit card form. In particular, if this

response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed.

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Respectfully submitted,

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12/24/07  
Date

  
Don J. Carnegie

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